

IN THE DRAWINGS:

Please cancel Figures 13 and 14 presented in the Amendment dated October 6, 2005.

Please amend Figures 5 and 6 as shown in the attachment replacement sheets.

Please insert Figures 5A and 6A as shown in the attachment replacement sheets.

REMARKS

Applicant, by the amendments presented above, has made a concerted effort to present claims which more clearly define over the prior art of record, and thus to place this case in condition for allowance.

Currently, claims 1-15 are pending. Claims 16 and 17 were canceled without prejudice in this Amendment.

Drawing Objections

On page 2 of the Office Action, the drawings were objected to as allegedly failing to show each and every feature of the invention specified in the claims. Applicant encloses amended Figures 5 and 6 and new Figures 5A and 6A. Applicant submits that this overcomes the Examiner objections. Entry, reconsideration and withdrawal of the rejection is requested.

Objection to Amendment of October 6, 2004

On page 3 of the Office Action, the Examiner objected to the Amendment filed on October 6, 2004 because he alleges that it introduced new matter into the disclosure. Applicant has canceled Figures 13 and 14 and any additions referencing same. Withdrawal of the objection is requested.

Disclosure Objections

On page 3 of the Office Action, the Examiner objected to the disclosure the Examiner alleges that it is unclear how the valve would be operated either manually or automatically.

Applicant submits that one of ordinary skill in the art would easily be able to discern from the description how to provide for manual operation of the valve (for example,

physically manipulating the angle of the valve member with a screwdriver or the like).

Applicant further submits that the disclosure clearly refers to an electromechanical actuator on page 4 which is an example of a mechanism which provides automatic operation of the valve member.

Therefore, Applicant request withdrawal of the objection to the disclosure.

Claim Rejections - 35 U.S.C. §103

Claims 1-5 and 15-17 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over United States Patent No. 5,148,801 to Douwens in view of Japanese Publication No. JP09234247 to Yoshikazu. Reconsideration and withdrawal of the rejection is requested.

The Examiner states that in Douwens, “the air is heated parallel to air going through the water reservoir”. Applicant respectfully submits that this is incorrect. In Douwens, air is heated by a heating element 106 in a chamber 105 which is serially connected to a humidification chamber 110 which is below the heating chamber (as viewed in Figure 1). Accordingly, air is heated in chamber 105 and then the heated air is humidified in chamber 110. Douwens does not disclose parallel dry and wet heating as required by amended claim 1. This is clear from the disclosure of Douwens in Col. 4, lines 15-20 where Douwens mentions that the heat exchanger includes an upper compartment and “serially interconnected thereto” at least two lower compartments for heating water. Even within the serially interconnected lower compartments, air is heated by elements 112A, 112B and 112C in series with humidification batts 115 rather than in parallel. The advantage of the claimed structure is, because some of the gas flow is dry heated, the gas exiting from the outlet of the humidification chamber is not saturated and so condensation occurring in the conduit attached

to the outlet is significantly (and controllably) reduced or eliminated. In contrast, in Douwens, as described in Col. 7, line 51, "the air is further heated and is humidified to near saturation as it flows longitudinally through the porous heating elements...".

Yoshikazu does not overcome this deficiency of Douwens.

Therefore, Applicant submits that amended claim 1 is allowable over the cited prior art. Reconsideration and allowance of amended claim 1 is requested.

Claims 2-5 and 15-17 are dependent upon amended claim 1 which Applicant submits is in condition for allowance. Reconsideration and allowance of claims 2-5 and 15-17 is requested.

Allowable Subject Matter

Applicant acknowledges with appreciation that claims 6-14 would be allowable if rewritten in independent form, including any limitations of the base claim and any intervening claims.

Information Disclosure Statement

Applicant submitted an Information Disclosure Statement on January 10, 2005. Consideration of same is requested and return of the initialed Forms PTO/SB/08A is requested.

Applicant has concurrently submitted a Petition for a Two-Month Extension of Time to extend the date for response up to and including May 23, 2005.

In view of the above, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Dated: May 16, 2005

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